

STATE OF MICHIGAN
IN THE SUPREME COURT

NATIONAL WINE & SPIRITS, INC.,
NWS MICHIGAN, INC., and
NATIONAL WINE & SPIRITS, L.L.C.,

Supreme Court No. 126121

Plaintiff-Appellants

v

Court of Appeals
No. 243524

STATE OF MICHIGAN,

Circuit Court for the County of
Ingham No. 02-13-CZ

Defendant-Appellee

and

MICHIGAN BEER & WINE
WHOLESALE ASSOCIATION,

Intervening Defendant-Appellee.

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and STONE, P.L.C.

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PLAINTIFF-APPELLANTS' SECOND SUPPLEMENTAL FILING

FILED

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CORBIN R. DAVIS
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MICHIGAN SUPREME COURT

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MILLER, CANFIELD, PADDOCK AND STONE, P.L.C.

Plaintiff-Appellants bring to the attention of the Court a series of articles published in the Detroit Free Press on February 10, 11 and 12, 2005, that are relevant to the Court's decision on whether or not to grant leave to appeal in this case. Copies of the 10 articles are attached. They were written by reporter Jennifer Dixon who investigated the relationships between Intervening Defendant-Appellee Michigan Beer and Wine Wholesalers Association ("MBWWA") and various state lawmakers and government officials, and the impact of those relationships on the adoption and enforcement of legislation that affects the members of the MBWWA. The activist role of the MBWWA—which intervened in this lawsuit that was brought only against the state—is a key element of the case presented by Plaintiff-Appellants, who contend that the law challenged in this litigation as unconstitutional was the direct result of the MBWWA's influence on the Legislature. The protectionist law in question unlawfully discriminates against out-of-state companies, while at the same time conferring a competitive advantage on local wine wholesalers, many of whom are members of the MBWWA.

One of the grounds this Court considers when deciding whether to grant leave to appeal is whether "...the issue has significant public interest and the case is one by or against the state..." MCR 7.302(B)(2). The Detroit Free Press is one of the state's most respected newspapers. It's decision to devote three days and nearly eight pages to the attached articles establishes beyond dispute that the issue of the MBWWA's role in government "has significant public interest." For this and the other reasons already presented, Plaintiff-Appellants respectfully request that the Court grant their application for leave to appeal.

Respectfully submitted,

MILLER, CANFIELD, PADDOCK AND STONE,
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